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SIPDIS

STATE FOR WHA/PPC, WHA/AND, AND G/TIP

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [EC](#)

SUBJECT: ECUADOR: PROGRESS ON TIP

1. Summary: There have been advances on several fronts to combat TIP here. On June 23, Ecuador's new penal code took effect, criminalizing and applying prison terms of 6 to 16 years for traffickers. First Lady Maria Paret again expressed her personal commitment to preventing more children from becoming trafficking victims and described an anti-TIP radio campaign the GOE is financially supporting. Attorney General Cecilia Armas committed to name special prosecutors to focus on TIP in Quito and Guayaquil. On July 7, police arrested John Quispe, the manager of a nightclub and charged him with TIP-related crimes. End Summary.

Tough Sentences for Traffickers

3. On June 23, the President signed anti-trafficking legislation into law enabling traffickers to be charged and prosecuted. The law includes the following provisions and penalties:

-- Trafficking in persons is defined as the promotion, inducement, participation, facilitation, or support, even with the victim's consent, of the recruitment, transport, harboring, receipt, or delivery of people resorting to threats, violence, deceit, or any other fraudulent means for the purpose of illicit exploitation, with or without financial gain.

-- Exploitation is defined as all forms of forced jobs or services; slave labor; sale and/or use people for begging, armed conflicts, or recruitment for purposes of delinquency.

-- 6 to 9 years for TIP, excluding cases of sexual exploitation; 9 to 12 years when the victim is under 18.

-- 12 to 16 years when one or more of the following conditions apply: the victim is less than 14 years age of age; as a result of the crime, the victim suffers severe or permanent damage to his/her body or irreversible psychological damage; or the trafficker is a spouse, common law spouse, blood relative to the fourth degree, or relative related by marriage, or a parent or child of the victim.

-- 6 to 9 years for selling, buying, or carrying out any other transaction to hand over a person, for payment or other means, for the purpose of exploitation. The sale does not have to be completed to be punishable. 9 to 12 years if the victim is under 18 years, and 12 to 16 years if the victim is less than 12 years old.

Sexual Exploitation and Child Prostitution: 6 to 25 Years

4. Another section of the penal code reform focuses on sexual exploitation, punishing people involved in child prostitution regardless of the use of force, violence, threats, or the victim's consent. The law reforms the penal code as follows:

-- 8 to 12 years for promoting, inducing, participating, facilitating, or supporting the recruit, transport, harboring, receipt, or handover of a person resorting to threats, violence, deceit, or any other fraudulent means for the purpose of sexual exploitation.

-- 12 to 16 years if the victim is less than 12 years old; if there abuse of power or the victim was in a situation of need or vulnerability; if the trafficker is a spouse, common law spouse, blood relative to the fourth degree, or relative related by marriage; if the trafficker has any type of relationship of confidence or authority with the victim or is a legal representative, stepfather, stepmother, or priest; or if the victim suffers severe or permanent psychological damage or contracts a severe or terminal illness.

-- 16 to 25 years if death results.

-- 6 to 9 years, the loss of goods acquired from the profit of these crimes, and payment of damages for inducing, promoting, supporting, or facilitating the sexual exploitation of a person under 18 or a disabled person of any age in exchange for monetary gain, other remuneration, or a portion of the profits. 12 to 16 years if the victim is under 14 years of age, and 16 to 25 years if the person has

been previously convicted of this crime.

Victim's Consent is Irrelevant for TIP -----

15. The following provisions apply to TIP and sexual exploitation:

-- Penalties can aggregate up to 35 years.

-- The public behavior of the victim prior to occurrence of the crime is irrelevant.

-- For crimes of sexual exploitation, consent is irrelevant when the victim is under 18. For trafficking, consent is irrelevant regardless of the person's age.

First Lady Committed to Preventing More Victims -----

16. Charge and PolChief met with First Lady Maria Paret on July 13 and encouraged her to take advantage of her position and speak out publicly against trafficking. The First Lady said she would consider opportunities to do so. The National Institute for Children and Families (INNFA), which she heads, signed an agreement and will provide funding to an international organization "International Center of Higher Studies in Communications for Latin America" (CIESPAL) to develop radio spots to educate people about trafficking. She expressed commitment to fighting TIP and helping prevent more children from becoming victims.

Attorney General to Name Dedicated TIP Prosecutors -----

17. On July 12, PolChief and PolOff met with the GOE's acting Attorney General, Cecilia Armas, and suggested she assign prosecutors to focus on TIP. Armas was very concerned about combating the scourge of trafficking and said she would assign a special prosecutor in Quito and in Guayaquil to work with the police to prosecute traffickers. Armas also expressed interest in negotiating an agreement with the Embassy to demonstrate the GOE's dedication to combating TIP.

Trafficker in Jail and Investigation Ongoing -----

18. On July 7, in a joint effort, the police's vetted unit, COAC, and DINAPEN officers arrested trafficker John Quispe. A 16-year-old victim of child prostitution was found in the nightclub Quispe manages. Quispe was charged with sexual exploitation of a minor, a crime punished by 6 to 9 years prison under the new penal code. We are working closely with the prosecutor handling his case to encourage her to add the charge of trafficking under the new law. Quispe has been in custody since his arrest, pending investigation of the case.

Comment: -----

19. We are encouraged by these developments and will report more fully on progress achieved by the GOE by July 29.
HERBERT